

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE NECESSITY RETAIL REIT, INC.,  
Plaintiff,

-v-

BLACKWELLS CAPITAL LLC, *et al.*,  
Defendants.

22-CV-10703 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Having reviewed the letters submitted by all parties (ECF Nos. 45, 46, 47, and 48) and having heard argument on the present discovery dispute, the Court hereby orders Defendants to search for the following terms and produce responsive nonprivileged documents:

1. jv
2. venture
3. stalking horse
4. “November 7” or “November 7th” or “Nov 7” or “11/7”
5. “management fee” or “mgmt fee”

The Court further orders that responsive nonprivileged documents in the possession of Sue Perrotty shall be produced by February 24, 2023.

The parties shall meet and confer regarding revised deposition dates in light of the above.

Finally, pursuant to Federal Rule of Civil Procedure 42(a), this action is hereby consolidated with Case Number 22-CV-10702 for all purposes, including discovery, pretrial proceedings, and trial.<sup>1</sup> Despite such consolidation, the consolidated cases “retain their separate

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<sup>1</sup> The actions are consolidated on consent of all parties following the February 21, 2023 telephone conference.

identities.” *Hall v. Hall*, 138 S. Ct. 1118, 1128-31 (2018). This order does not affect the rights of the parties in either of the consolidated cases.

**All future filings shall be in the lead case, 22-CV-10702.**

The Clerk of Court is directed to mark this case as closed.

SO ORDERED.

Dated: February 22, 2023  
New York, New York



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J. PAUL OETKEN  
United States District Judge